

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In Re:

Jered Lee Radewan,

Case No. 23-11291-cjf

Debtor.

MOTION FOR CONTINUATION OF AUTOMATIC STAY

The above-named Debtor, Jered Lee Radewan (the “Debtor”), by his attorneys, moves the Court to enter an order to continue the automatic stay pursuant to 11 U.S.C. Section 362(c)(3). In support of the Motion, the Debtor states the following:

1. On July 27, 2023, the Debtor filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. The Debtor has previously filed a bankruptcy case under Chapter 13 on March 27, 2023 that was closed within one year of the date this case was filed.
3. Pursuant to 11 U.S.C. § 362(cc)(3)(A), the stay “shall terminate with respect to the debtor on the 30th day after the filing of the later case” unless the Court extends the automatic stay finding that the new case was filed in good faith.
4. On July 6, 2023, the Bankruptcy estate was fully administered within the meaning of 11 U.S.C. 350(a) [Docket #35].
5. This case has been filed in good faith and all creditors should be stayed from pursuing collection from the Debtor or from the assets of the bankruptcy estate.
6. Any presumption that the above-entitled action was not filed in good faith is rebutted by the following facts:
 - A. 11 U.S.C. § 362(c)(3)(C)(i)(I) is not applicable because no more than one case under chapters 7, 11 or 13 was pending within the preceding one-year period for said Debtor.
 - B. 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa) is not applicable because no previous case under chapters 7, 11 or 13 filed for said Debtor was dismissed within the preceding one-year period because of the Debtor’s failure to file or amend the petition or other documents required by this title without substantial excuse.
 - C. 11 U.S.C. § 362(c)(3)(C)(i)(II)(bb) is not applicable because no previous case under chapters 7, 11 or 13 for said Debtor was dismissed within the preceding one-year period because of the Debtor’s failure to provide adequate protection as ordered by

the court.

- D. There has been substantial change in the Debtor's financial affairs since the prior resolution. The Debtor will be filing schedules supporting this in greater detail, showing that Debtor's expenses are being shared with another member of his household. Debtor's girlfriend, who is the other member of Debtor's household, will substantially contribute financially towards the success of Debtor's Chapter 13 plan while Debtor secures employment.
- E. In addition, there is reason to conclude that the Chapter 13 plan the Debtor intends to file will be fully performed. The Debtor intends to sell a billboard or an easement for a billboard located on his property to a third-party, of which the proceeds that such a sale would garner may be sufficient to ensure the viability of the Chapter 13 plan. Additionally, or in the alternative, Debtor may sell a portion of his parcel to a third-party, of which the proceeds that such a sale would garner may be sufficient to ensure the viability of the Chapter 13 plan. These sources of income, alone or in conjunction with one another, alongside additional contributions made by the other member of Debtor's household, and Debtor's anticipated personal income, will be sufficient to fund the plan, cure his arrearage, and pay his unsecured creditors in full.
7. The continuation of the automatic stay is necessary in order to protect the Debtor's ability to make a fresh start.

WHEREFORE, the Debtor requests that the Court continue the automatic stay provided under 11 U.S.C. § 362 as to all parties in interest until further order of the Court.

Dated this 1st day of August, 2023.

KREKELER LAW, S.C.

By: 

Noe J. Rincon

State Bar No. 1124893

Attorneys for Debtor,

Jered Radewan

ADDRESS:

26 Schroeder Court, Ste 300
Madison, WI 53711
Telephone: (608) 258-8555
Facsimile: (608) 663-0287
(608) 258-8555

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In Re:

Jered Lee Radewan,

Debtor.

Case No. 23-11291-cjf

NOTICE OF MOTION FOR CONTINUATION OF AUTOMATIC STAY

PLEASE TAKE NOTICE that the above-named Debtor, Jered Lee Radewan, by his attorneys, Krekeler Law, S.C., filed papers with the Court requesting a continuation of the automatic stay pursuant to 11 U.S.C. Section 362(c)(3) as more particularly set forth in the Motion attached hereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought, or if you want the Court to consider your views on said Motion, then on or before **14 days from the date of this notice**, you or your attorney must:

File with the Court a written objection and request for hearing, explaining your objection to Debtor's Motion, at:

United States Bankruptcy Court
120 North Henry Street
Madison, WI 53703

If you mail your objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:


Attorney Noe J. Rincon
Krekeler Law, S.C.
26 Schroeder Court, Ste 300
Madison, WI 53711

Standing Ch13 Trustee
Mark Harring
122 West Washington Avenue, Suite 500
Madison, WI 53703

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Motion for Continuation of the Automatic Stay and, therefore, the Court may enter an order granting said Motion.

Dated this 1st day of August, 2023.

KREKELER LAW, S.C.

By: 
Noe J. Rincon
State Bar No. 1124893
Attorneys for Debtor,
Jered Lee Radewan

ADDRESS:

26 Schroeder Court, Ste 300
Madison, WI 53711
Telephone: (608) 258-8555
Facsimile: (608) 663-0287
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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In Re:

JERED RADEWAN

Case No. 23-11291-cjf

Debtor.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

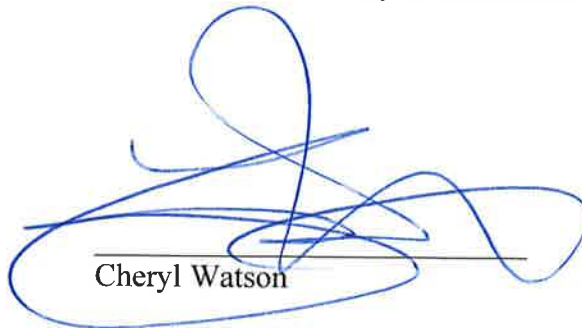
The undersigned, being first duly sworn on oath, deposes and says that on the 1st day of August, 2023, the Debtor's Notice of Motion and Motion for Continuation of Automatic Stay was electronically filed with the Clerk of Court via the Court's CM/ECF system, thereby effecting notice on all parties receiving electronic notice in this case including but not limited to:

Office of the U.S. Trustee
780 Regent Street, #304A
Madison, WI 53715

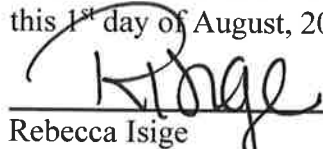
Standing Ch13 Trustee
Mark Harring
122 West Washington Avenue, Ste 500
Madison, WI 53703

The undersigned, being first duly sworn on oath, deposes and says that on the 1st day of August, 2023, the undersigned mailed, properly enclosed in a postpaid envelope, a copy of Debtor's Notice of Motion and Motion for Continuation of Automatic Stay to all on the attached list and to:

Jered Lee Radewan
W9582 Earnie Road
Poynette, WI 53955


Cheryl Watson

Subscribed and sworn to before me
this 1st day of August, 2023.


Rebecca Isige
Notary Public, State of Wisconsin
My Commission Expires: 08/30/2025

Office of the United States Trustee
780 Regent Street
Suite 304
Madison, WI 53715

United States Treasury
Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Wisconsin Department of Revenue
ATTN: Bankruptcy Unit, MS 5-144
PO Box 8901
Madison, WI 53708

Wisconsin Dept. of Workforce Development
Division of Unemployment Insurance
P.O. Box 8914
Madison, WI 53708

Wisconsin Dept. of Workforce Development
Division of Unemployment Insurance
P.O. Box 8914
Madison, WI 53708

American Express
Attn: CEO Stephen Squeri
PO Box 981535
El Paso, TX 79998-1535

American Express
PO Box 981537
El Paso, TX 79998-1540

Aspirus Hospital & Clinics
P.O. Box 1008
Wausau, WI 54402-1008

Attorney David Olefsky
Blitt & Gaines PC
707 N. 2nd St. Suite 306
Saint Louis, MO 63102

Becket and Lee LLP
PO Box 3001
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Bonded Collectors of Wisconsin Inc.
2425 Airport Road
PO Box 83
Portage, WI 53901

Nicole Burdine
414 West Franklin
Portage, WI 53901

Capital One Bank (USA), N.A.
c/o Blitt and Gaines
731 N. Jackson st., Suite 660
Milwaukee, WI 53202

Columbia County Child Support
400 DeWitt Street
Portage, WI 53901

Columbia County Child Support
PO Box 256
Portage, WI 53901

Columbia County Clerk of Court
Columbia County Courthouse
400 De Witt Street
Portage, WI 53901

Community Service Associates
2901 Hunters Trail
PO Box 301
Portage, WI 53901

Community Service Associates
dba Pauquette Center
PO Box 83
Portage, WI 53901

Divine Savior Healthcare
PO Box 387
Portage, WI 53901

Attorney Susan M. Fisher
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PO Box 63
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Menards - Capital One NA
Customer Services
Retail Sales Service Dept 7680
Carol Stream, IL 60116-7680

Attorney John R. Miller
Miller & Miller Law, LLC
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Milwaukee, WI 53203

Portfolio Recovery Associates, LLC
PO Box 12914
Norfolk, VA 23541

PRA Receivables Management LLC
PO Box 41021
Norfolk, VA 23541

Quantum3 Group LLC as agent for
Credit Corp Solutions
PO Box 788
Kirkland, WA 98083-0788

Attorney Vytas P. Salna
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PO Box 412
Portage, WI 53901-0412

Ronald J. Steiner
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Tucson, AZ 85755

Allen P. and Beth Ann Waldsmith
226 Colby Boulevard
Poynette, WI 53955

Wisconsin Support Collections Trust Fund
PO Box 74200
Milwaukee, WI 53274-0200